

REMARKS

In response to the Advisory Action mailed July 28, 2006, favorable reconsideration is respectfully requested in view of the above amendments and the following remarks. Claims 3, 4, 11, 15 and 18 were under examination in the application. By the above amendments, Applicants have canceled claim 15. The above amendments are not to be construed as acquiescence to the Examiner's stated grounds for rejections and are made without prejudice to prosecution of any subject matter removed or modified by this amendment in a related divisional, continuation or continuation-in-part application.

Claim 15 remains rejected under 35 U.S.C. § 102 as allegedly anticipated by Frudakis WO 98/45328. The Action asserts that two polynucleotides disclosed in Frudakis comprise at least 300 nucleotides in common with SEQ ID NOs: 302/303 of the present invention. The Action further asserts that Frudakis describes primers that allegedly meet the oligonucleotide recitations present in the claim. Accordingly, the Action alleges that claim 15 is anticipated by Frudakis.

Without acquiescing to the rejection and solely to advance prosecution, Applicants have canceled claim 15 with prejudice to prosecution of subject matter removed or modified by this amendment in a related divisional, continuation or continuation-in-part application. As such, Applicants submit that the rejection has been obviated and respectfully request reconsideration of the application and withdrawal of the rejection.


The above amendments are believed to place the application in condition for allowance. However, to the extent that any outstanding issues remain with respect to the amended claims, the Examiner is encouraged to contact the undersigned at (206) 694-4877 with any questions, comments and/or suggestions.

Application No. 09/924,400
Reply to Advisory Action dated July 28, 2006

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

 # 42,676
For Julie A. Urvater, Ph.D., Patent Agent
Registration No. 50,461

JAU:ms

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

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